

No.

CR 07 00431 JF HRL

FILED

UNITED STATES DISTRICT COURT

2007 JUL 11 P 2:58

NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA. S.J.

SAN JOSE DIVISION

THE UNITED STATES OF AMERICA

vs.

FRITZ BRUNZ

E-FILING

INDICTMENT

COUNT ONE:

Title 21, U.S.C. § 331(a)(1); 21 U.S.C. § 333(a)(2); 21 U.S.C. § 352(f) - Causing the Introduction of Misbranded Drugs into Interstate Commerce

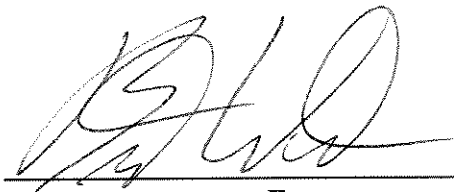
COUNTS TWO - SEVEN :

Title 21, U.S.C. § 841(a)(1) - Distribution of a Schedule II Controlled Substance

COUNTS EIGHT - TEN:

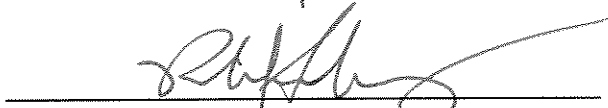
Title 21, U.S.C. § 841(a)(1) - Distribution of a Schedule IV Controlled Substance

A true bill.



Foreperson

Filed in open court this 11<sup>th</sup> day of July  
A.D. 2007



United States Magistrate Judge

Bail. \$ NO BAIL ARREST WARRANT PS

FILED

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RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA. S.J.

SM

E-FILING

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

CR 07 00431

JF

UNITED STATES OF AMERICA,

Plaintiff,

v.

FRITZ BRUNZ,

Defendant.

No.

21 U.S.C. §§ 331(a); 333(a); 352(f) -  
Causing the Introduction of Misbranded  
Drugs into Interstate Commerce; 21 U.S.C.  
§ 841(a)(1) - Distribution of Schedule II and  
IV Controlled Substances; 21 U.S.C. § 853  
— Criminal Forfeiture

SAN JOSE VENUE

UNDER SEAL

INDICTMENT

The Grand Jury charges:

Introduction

1. At all times relevant to this Indictment:

a. Defendant Fritz Brunz ("Brunz") was the owner and operator of  
www.healthylifemeds.com ("HealthyLifeMeds").

b. HealthyLifeMeds sold Schedule II and IV controlled substances, such as  
Ritalin, Codeine, Halcion and Xanax, to customers without the required prescriptions or licenses.  
Brunz purchased these controlled substances from companies in Mexico and other countries and

INDICTMENT  
U.S. v. BRUNZ

HC BW  
Customer HC BW  
1 of Brunz's Internet pharmacies paid Brunz either through checks, money orders, credit card or  
2 electronic payments, such as PayPal. Brunz deposited the proceeds of these sales into various  
3 bank accounts, including Union Bank of California account nos. 0690031356, 0590033472 and  
4 0591289749.

5 The Food and Drug Administration's Regulation of Drugs

6 2. The United States Food and Drug Administration (FDA) is responsible for  
7 regulating the manufacture, labeling and distribution of all drugs and drug components shipped  
8 or received in interstate commerce, including drugs shipped into the United States from foreign  
9 countries.  
10

11 3. The FDA is also responsible for ensuring that prescription drugs are properly  
12 labeled with adequate directions for their use. The FDA also requires that these directions appear  
13 in the English language.

14 4. Because of their toxicity and other potential harmful effects, certain drugs  
15 are not considered safe for use except under the supervision of a practitioner licensed by law to  
16 administer such drugs. Such drugs are known as prescription drugs. Dispensing a prescription  
17 drug without a valid prescription is an act which results in the drug being misbranded while held  
18 for sale.  
19

20 COUNT ONE: (21 U.S.C. § 331(a)(1); 21 U.S.C. § 333(a)(2); 21 U.S.C. § 352(f) - Causing the  
Introduction of Misbranded Drugs into Interstate Commerce)

21 5. The factual allegations in paragraphs One through Four are realleged and  
22 incorporated by reference as if set forth in full here.

23 6. Beginning at a time unknown to the Grand Jury and continuing until in or about  
24 May 2005, in the Northern District of California and elsewhere, the defendant  
25

26 FRITZ BRUNZ

27 did, with intent to defraud and mislead, cause the introduction and delivery for introduction into  
28 interstate commerce the drugs Methylphenidate ("Ritalin"), Codeine sulfate ("Codeine"),

1 Triazolam ("Halcion") and Alprazolam ("Xanax"), which were misbranded, in that:

2 a. their labeling failed to bear adequate directions for use, and adequate warnings  
3 against their use, by children, or by persons suffering from pathological conditions under which  
4 their use might be dangerous to health, or directions and warnings regarding proper dosage and  
5 methods or duration of administration or application (21 U.S.C. § 352(f)); and

6 b. words, statements, and other information required by and under authority of the  
7 FDCA to appear on the label or labeling was not prominently placed thereon with such  
8 conspicuousness and in such terms as to render it likely to be read and understood by the ordinary  
9 individual under customary conditions of purchase and use, in that the wording on the labeling  
10 was in Spanish (21 U.S.C. § 352(c));

12 All in violation of Title 21, United States Code, Sections 331(a), 333(a)(1) and 352(f).

13 COUNTS TWO THROUGH SEVEN: (21 U.S.C. § 841(a)(1) – Distribution of a Schedule II  
14 Controlled Substance)

15 7. The factual allegations in paragraphs One through Six are realleged and  
16 incorporated by reference as if set forth in full here.

17 8. On or about the date set forth below, in the Northern District of California and  
18 elsewhere, the defendant

19 FRITZ BRUNZ

20 did knowingly and intentionally distribute a Schedule II controlled substance without a license,  
21 the names of which are as follows:

COUNT	DATE	CONTROLLED SUBSTANCE	QUANTITY
2	4/8/04	Methylphenidate ("Ritalin")	100 tablets
3	5/13/04	Methylphenidate ("Ritalin")	60 tablets
4	5/13/04	Codeine sulfate ("Codeine")	120 tablets
5	5/28/04	Methylphenidate ("Ritalin")	60 tablets
6	5/28/04	Codeine sulfate ("Codeine")	60 tablets

7	3/1/05	Codeine sulfate ("Codeine")	30 tablets
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All in violation of Title 21, United States Code, Section 841(a)(1).

COUNTS EIGHT THROUGH TEN: (21 U.S.C. § 841(a)(1) – Distribution of a Schedule IV Controlled Substance)

9. The factual allegations in paragraphs One through Eight are realleged and incorporated by reference as if set forth in full here.

10. On or about the date set forth below, in the Northern District of California and elsewhere, the defendant

FRITZ BRUNZ

did knowingly and intentionally distribute a Schedule IV controlled substance without a license, the names of which are as follows:

COUNT	DATE	CONTROLLED SUBSTANCE	QUANTITY
8	5/13/04	Triazolam ("Halcion")	30 tablets
9	5/28/04	Triazolam ("Halcion")	30 tablets
10	3/1/05	Alprazolam ("Xanax")	50 tablets

All in violation of Title 21, United States Code, Section 841(a)(1).

FORFEITURE ALLEGATION ONE: (18 U.S.C. § 853 – Criminal Forfeiture)

11. The factual allegations in paragraphs One through Ten are realleged and incorporated by reference as if set forth in full here.

12. Upon conviction for any of the offenses alleged in Counts Two through Ten above, defendant

FRITZ BRUNZ

shall forfeit to the United States any property constituting, and derived from any proceeds defendant obtained, directly or indirectly, as the result of such violations, and any of defendant's

property used or intended to be used, in any manner or part, to commit or to facilitate the commission of such violations, pursuant to Title 21, United States Code, Section 853(a)(1) and (2) including but not limited to the following:

Union Bank of California Bank Account No. 0690031356;

Union Bank of California Bank Account No. 0590033472; and

Union Bank of California Bank Account No. 0591289749.

13. If as a result of any act or omission of defendant, any of said property
- a. cannot be located upon the exercise of due diligence;
  - b. has been transferred, or sold, to or deposited with a third person;
  - c. has been placed beyond the jurisdiction of the Court;
  - d. has been substantially diminished in value; or
  - e. has been commingled with other property which, without difficulty, cannot be subdivided;

any and all interest defendant has in any other property (not to exceed the value of the above forfeitable property) shall be forfeited to the United States, pursuant to Title 21, United States Code, Section 853(a)(1) and (p).

DATED:

11-July-2007

A TRUE BILL.

FOREPERSON

SCOTT N. SCHOOLS  
United States Attorney

MATTHEW A. PARRELLA  
Chief, San Jose Division

(Approved as to form:

AUSA CHEW



AO 257 (Rev. 6/78)

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☐ SUPERSEDINGName of District Court, and/or Judge/Magistrate Location  
NORTHERN DISTRICT OF CALIFORNIA**OFFENSE CHARGED**21 U.S.C. 331(a), 332(f)  
21 U.S.C. 841(a)(1)  
21 U.S.C. 853☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ Felony**PENALTY:**

See attached sheet

**CR****DEFENDANT - U.S.**

FRITZ BRUNZ

DISTRICT COURT NUMBER

**07 00431 JF****DEFENDANT****IS NOT IN CUSTODY**

- 1) ☐ Has not been arrested, pending outcome this proceeding.  
If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

**IS IN CUSTODY**

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges
- } ☐ Fed'l ☒ State

If answer to (6) is "Yes", show name of institution

Los Angeles Men's County Jail

Has detainer  
been filed?☐ Yes  
☒ NoIf "Yes"  
give date  
filed**DATE OF  
ARREST**

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

**DATE TRANSFERRED  
TO U.S. CUSTODY**

Month/Day/Year

☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☐ NO PROCESS\* ☒ WARRANT Bail Amount: No Bail

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

\*Where defendant previously apprehended on complaint, no new summons  
or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

**PROCEEDING**  
Name of Complainant Agency, or Person (& Title, if any)  
ICE Special Agent Wendell Wright☐ person is awaiting trial in another Federal or State  
Court, give name of court☐ this person/proceeding is transferred from another  
district per (circle one) FRCrP 20, 21 or 40. Show  
District☐ this is a reprosecution of  
charges previously dismissed  
which were dismissed on  
motion of:☐ U.S. Att'y ☐ Defense☐ this prosecution relates to a  
pending case involving this same  
defendant☐ prior proceedings or appearance(s)  
before U.S. Magistrate regarding  
this defendant were recorded underSHOW  
DOCKET NO.MAGISTRATE  
CASE NO.Name and Office of Person  
Furnishing Information on  
THIS FORM**SCOTT N. SCHOOLS**☒ U.S. Att'y ☐ Other U.S. AgencyName of Asst. U.S. Att'y  
(if assigned)

Hanley Chew

**Attachment to  
Penalty Sheet for  
United States v. Fritz Brunz**

Count One: Causing Introduction of Misbranded Drugs into Interstate Commerce  
(21 U.S.C. §§ 331(a); 333(a); 352(f))

Maximum Penalties:     3 years  
                                 \$10,000 fine  
                                 3 years of supervised release  
                                 \$100 mandatory special assessment

Counts Two Through Seven: Distribution of Schedule II Controlled Substances  
(21 U.S.C. § 841(a)(1))

Maximum Penalties:     20 years  
                                 \$1,000,000 fine  
                                 3 years of supervised release  
                                 \$100 mandatory special assessment

Counts Eight Through Ten: Distribution of Schedule IV Controlled Substances  
(21 U.S.C. § 841(a)(1))

Maximum Penalties:     3 years  
                                 \$250,000 fine  
                                 3 years of supervised release  
                                 \$100 mandatory special assessment

Forfeiture Count (21 U.S.C. § 853)